

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

MESQUITE ENERGY, INC. (f/k/a
SANCHEZ ENERGY CORPORATION), *et al.*,¹

Reorganized Debtors.

DELAWARE TRUST COMPANY, solely in
its capacity as Lien-Related Litigation Creditor
Representative,

Plaintiff,

v.

MESQUITE ENERGY, INC., *et al.*,

Defendants.

Chapter 11

Case No. 19-34508 (MI)

(Jointly Administered)

Adv. Pro. No. 21-3862 (MI)

**DEFENDANTS FIDELITY MANAGEMENT & RESEARCH COMPANY AND APOLLO
COMMODITIES MANAGEMENT, L.P.'S MOTION TO DISMISS THE AMENDED
COMPLAINT**

¹ The remaining Reorganized Debtors in these chapter 11 cases, along with the last four digits of each Reorganized Debtor's federal tax identification number, are: Mesquite Energy Inc. f/k/a Sanchez Energy Corporation (0102); SN Operating, LLC (2143); SN Catarina, LLC (0102); and SN EF Maverick, LLC (0102). The chapter 11 cases of the other Reorganized Debtors have been closed. The location of the Reorganized Debtors' service address is 700 Milam Street, Suite 600, Houston, Texas 77002.

Defendants Fidelity Management and Research Company and Apollo Commodities Management, L.P. hereby move to dismiss the Amended Complaint [ECF 168] for the reasons stated in their previously filed motion to dismiss [ECF 80], their reply in support of the motion to dismiss [ECF 111], and at the hearing on their motion to dismiss held on December 13, 2021 [ECF 2245 in Case No. 19-34508], all arguments in support of which are fully incorporated herein.²

² The Court held the motion to dismiss in abeyance pending determination of a “gating issue” regarding whether the Series 1 and Series 2 Financings were done at above-market rates. ECF No. 121, at 21:20-22:11; *see also* ECF 2245 in Case No. 19-34508. To date, the Court has not yet heard any evidence on the market value, or any other aspect, of the Financings. Whether the Financings (or any aspect of them, including the 2.8 million shares issued in connection with the Series 2 Financing) violated the Plan remains pending in this Adversary Proceeding.

Dated: October 16, 2023

JONES DAY

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*Counsel for Defendant Apollo Commodities
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CERTIFICATE OF SERVICE

I certify that on October 16, 2023, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ James A. Reeder, Jr. _____
James A. Reeder, Jr.